

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA COALITION FOR
WOMEN PRISONERS, et al.,

Plaintiffs.

v.

UNITED STATES OF AMERICA
FEDERAL BUREAU OF PRISONS, et al.,

Defendants.

Case No. [23-cv-04155-YGR](#) (JCS)

**NOTICE OF SETTLEMENT
CONFERENCE AND SETTLEMENT
CONFERENCE ORDER**

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter was referred to Magistrate Judge Joseph C. Spero for settlement purposes.

Defendants shall respond to Plaintiffs' latest communication by June 26, 2024. Thereafter the parties shall meet and confer on a proposed agenda for the settlement conference. The parties' Joint Proposed agenda for the settlement conference (including any disagreements, an explanation for each party's position on those disagreements, and whether the settlement conference should be by zoom or in person) due by July 17, 2024, and should be emailed to

JCSSettlement@cand.uscourts.gov. **Do not file.**

A Pre-Settlement Meeting, counsel only, is scheduled for **July 31, 2024, at 10:30 a.m.**, by Zoom videoconference. **One (1) week prior to the scheduled Pre-Settlement Meeting counsel shall pre-register by submitting one joint email to the clerk at JCSSettlement@cand.uscourts.gov with the names of counsel who will attend).**

On the day of the Pre-Settlement Conference Meeting, the parties shall connect to the Zoom Meeting at the following address:

<https://cand.uscourts.zoomgov.com/j/1616644640?pwd=cElJZ0g3dDJqcWNSb1pnSDNmanV0Q>

T09. The Zoom Meeting Link is located on Judge Spero's web page under the second subheading +Join Non-Public Hearings. In addition to following the instructions and link on Judge Spero's web page, the parties may join using the following Zoom Meeting ID: 161 664 4640. Password: 841312. A link to the Court's video conferencing meeting is also located on the Court's website at <https://www.cand.uscourts.gov/judges/spero-joseph-c-jcs/> Parties will initially enter a "waiting room" and will be admitted into the meeting by court staff

You are hereby notified that a Settlement Conference is scheduled for **August 20, 2024, at 10:00 a.m.**, by Zoom videoconference or in-person, to be determined by the Court at the Pre-Settlement Meeting.

It is the responsibility of counsel to ensure that whatever discovery is needed for all sides to evaluate the case for settlement purposes is completed by the date of the Settlement Conference. Counsel shall cooperate in providing discovery informally and expeditiously.

Lead trial counsel shall appear at the Settlement Conference with the parties. Any party who is not a natural person shall be represented by the person(s) with **unlimited** authority to negotiate a settlement. A person who needs to call another person not present before agreeing to any settlement does not have full authority. If a party is a governmental entity, its governing body shall designate one of its members or a senior executive to appear at the Settlement Conference with authority to participate in the Settlement Conference and, if a tentative settlement agreement is reached, to recommend the agreement to the governmental entity for its approval. An insured party shall appear with a representative of the carrier with full authority to negotiate up to the limits of coverage. Personal attendance of a party representative will rarely be excused by the Court, and then only upon separate written application demonstrating substantial hardship served on opposing counsel and lodged as early as the basis for the hardship is known but no later than the Settlement Conference Statement.

Each party shall submit a Settlement Conference Statement no later than fourteen (14) days prior to the conference (DO NOT electronically file on ECF).

Each party shall submit their Settlement Conference Statement in .pdf format and emailed to JCSsettlement@cand.uscourts.gov . Please do not submit paper copies.

One (1) week prior to the scheduled Settlement Conference counsel shall pre-register by submitting one joint email to the clerk at JCSSettlement@cand.uscourts.gov with the names of counsel who will attend.

The Settlement Conference Statement need not be served on opposing counsel. The parties are encouraged, however, to exchange Settlement Conference Statements. If Settlement Conference Statements are exchanged, any party may submit an additional confidential settlement letter to the Court not to exceed three (3) pages. The contents of this confidential settlement letter will not be disclosed to the other parties.

The Settlement Conference Statement shall not exceed ten (10) pages of text and twenty (20) pages of exhibits and shall include the following:

1. A brief statement of the facts of the case.
2. A brief statement of the claims and defenses including, but not limited to, statutory or other grounds upon which the claims are founded, and a **candid** evaluation of the parties' likelihood of prevailing on the claims and defenses. The more candid the parties are, the more productive the conference will be.
3. A list of the key facts in dispute and a brief statement of the **specific** evidence relevant to a determination of those facts.
4. A summary of the proceedings to date and any pending motions.
5. An estimate of the cost and time to be expended for further discovery, pretrial and trial.
6. The relief sought, including an itemization of damages.
7. The party's position on settlement, including present demands and offers and a history of past settlement discussions. The Court's time can best be used to assist the parties in completing their negotiations, not in starting them. Accordingly, Plaintiff(s) must serve a demand in writing no later than fourteen (14) days before the conference and Defendant(s) must respond in writing no later than eight (8) days before the conference. The parties are urged to carefully evaluate their case before taking a settlement position since extreme positions hinder the settlement process.

1 It is not unusual for the conference to last three (3) or more hours. Parties are encouraged
2 to participate and frankly discuss their case. Statements they make during the conference will not
3 be admissible at trial in the event the case does not settle. The parties should be prepared to
4 discuss such issues as:

- 5 1. Their settlement objectives.
- 6 2. Any impediments to settlement they perceive.
- 7 3. Whether they have enough information to discuss settlement. If not, what
8 additional information is needed?
- 9 4. The possibility of a creative resolution of the dispute.

10 The parties shall notify Chambers immediately at (415) 522-3691 if this case settles prior
11 to the date set for Settlement Conference. Counsel shall provide a copy of this order to each party
12 who will participate in the conference.

13 **IT IS SO ORDERED.**

14 Dated: June 5, 2024

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16 JOSEPH C. SPERO
17 United States Magistrate Judge
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